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January 14, 1939

Hon. Thomas A. Wheat
County Attorney
Liberty, Texas

Dear Mr. Wheat:

Opinion No. 0-84
Re: Ex Officio Notary Public

Your request for an opinion on the following
question:

"Must a Justice of the Peace who by vir-
tue of Article 2376, Revised Civil Statutes,
becomes an ex officio Notary Public comply with
Article 5953, Revised Civil Statutes?"

has been received by this office.

Article 2376 provides:

"Each Justice of the Peace shall be com-
missioned as Justice of the Peace of his pre-
cinct and ex officio Notary Public of his county."

Said abovementioned statute does not provide that
each Justice of the Peace shall take the oath of office pre-
scribed in the Constitution and give the bond prescribed by
law.

This identical question was presented to this de-
partment by Hon. Rector Lester, County Attorney, Canyon,
Texas, and the department rendered an opinion on the same
December 7, 1914, a copy of which is enclosed herewith.

It is the opinion of the writer and you are respect-
fully advised that a Justice of the Peace is not required to

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take the oath and give the bond required of Notary Publics after such person has duly qualified as Justice of the Peace of his precinct.

Trusting that the foregoing answers your inquiry,
I remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Andell Williams*
Assistant

AW:AW

ENCLOSURE

APPROVED:

Gerald B. Maun
ATTORNEY GENERAL OF TEXAS